

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ACCUFORM MANUFACTURING,  
INC.,

Plaintiff,

v.

Case No. 8:19-cv-2220-T-33AEP

NATIONAL MARKER COMPANY,  
et al.,

Defendants.

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**ORDER**

This matter is before the Court on consideration of United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. # 89), filed on January 13, 2020, recommending that Plaintiff Accuform Manufacturing, Inc.'s Motion for Preliminary Injunction (Doc. # 4) be granted in part. On January 27, 2020, Defendants National Marker Company, Bradford Montgomery, Peter Bloniarz, John Donati, and Rebecca Longo filed an Objection to the Report and Recommendation. (Doc. # 94). Accuform responded to the Objection on February 10, 2020. (Doc. # 100).

The Court accepts and adopts the Report and Recommendation, overrules the Objection, and grants the Motion for Preliminary Injunction in part as set forth below.

## **Discussion**

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a de novo review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). The district judge reviews legal conclusions de novo, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

Upon due consideration of the record, including Judge Porcelli's Report and Recommendation as well as Defendants' Objection thereto, the Court overrules the Objection and adopts the Report and Recommendation. The Court agrees with Judge Porcelli's detailed and well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the


Objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation (Doc. # 89) is **ACCEPTED** and **ADOPTED**.
- (2) Accuform's Motion for Preliminary Injunction (Doc. # 4) is **GRANTED IN PART** to the extent that:
  - (i) Defendants Montgomery, Bloniarz, and Longo are enjoined for a period of eighteen months anywhere within the geographic United States from directly or indirectly soliciting, diverting, taking away, or interfering with Accuform's customers identified in the sealed customer list (Doc. # 79); and
  - (ii) All Defendants are enjoined from using or disclosing Accuform's specially negotiated pricing and rebates.
- (3) Accuform shall post a bond in the amount of \$275,000.
- (4) This preliminary injunction shall be held in full force and effect until further agreement of the parties or further order of the Court.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this  
11th day of February, 2020.

  
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VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE